

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS
LIABILITY LITIGATION

MDL No. 2419
Dkt. No. 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO:

All Actions

**PLAINTIFFS' STEERING COMMITTEE'S NOTICE OF FILING REVISED
PROPOSED ALLOCATION IN SUPPORT OF MOTION FOR DISTRIBUTION OF
COMMON BENEFIT FEES AND EXPENSES**

The Plaintiffs' Steering Committee hereby submits a revised proposed allocation of fees and expenses in conjunction with its Motion for Distribution of Common Benefit Fees and Expenses [Dkt. No. 3105]. Attached are a revised suggested allocation of common benefit fees amongst the participating law firms (Exhibit AA) and a revised suggested allocation of expenses to each of those firms (Exhibit BB). These exhibits are meant to replace Exhibits A and B attached to the Sobol Declaration in support of the PSC's motion [Dkt. Nos. 3105-3 and 3105-4].

The revised suggested allocation of fees and expenses reflect the following changes:

First, the revised exhibits include an allocation of \$97,717.62 to US Legal Support, Inc. ("US Legal"). US Legal maintains a document repository, by order of this Court, and has to date partially forgone payment for its services until the conclusion of the case. The PSC seeks allocation of the outstanding funds due US Legal for their services. This amount was inadvertently left off the PSC's original submission.

Second, the revised exhibits include an allocation of \$23,286.22 to Discovery Litigation Services ("DLS"). DLS provides Court reporting services for plaintiffs in the MDL. The PSC seeks this allocation of expenses to pay DLS all outstanding invoices for services rendered in the MDL. This amount was inadvertently left off the PSC's original submission.

Third, the exhibits include additional expenses for eleven firms that each contributed \$5,000 to a pre-MDL fund used to finance an inspection by plaintiffs' experts of the NECC facility in 2012. Most of these firms did not submit an application for reimbursement of time and expenses to the PSC. These firms' contributions to the inspection fund were not included in the PSC's original submission.

Fourth, since the filing of the original submission for allocation of fees and expenses, the law firm of Cohen Placitella & Roth provided the PSC with documentation to support its request for reimbursement of expenses. As with the documentation in support of expenses submitted by all firms, the documentation submitted by Cohen Placitella was reviewed by an independent accountant and then Lead Counsel. As a result of that review, the PSC recommends reimbursing \$ 22,286.22 in expenses to this firm.

Fifth, the attached exhibits increase the suggested allocation to Leader Bulso and Nolan for both fees and expenses. The PSC revisited the suggested allocation of fees and expenses to this law firm. In its previous review of the firm's time and expenses, the PSC inadvertently treated this firm differently from other firms litigating Tennessee cases by disallowing time and expenses for work that benefitted Tennessee and other plaintiffs. The allocation of fees and expenses to this firm resulting from our re-review is included in the attached.

I. CONCLUSION

The changes to the suggested allocation of fees and expenses outlined above are modest but necessary to ensure a fair and equitable distribution of fees and expenses to all deserving firms. For the reasons set forth in the PSC Memorandum in Support of Motion for Distribution of Common Benefit Fees and Expenses, the PSC respectfully requests that the Court approve the attached allocation of fees and expenses.

Dated: October 12, 2016

Respectfully submitted,

/s/ Thomas M. Sobol

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Plaintiffs' Steering Committee

CERTIFICATE OF SERVICE

I, Thomas M. Sobol, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: October 12, 2016

/s/ Thomas M. Sobol

Thomas M. Sobol, BBO # 471770